

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
CORTEC CORPORATION, a Minnesota corporation,

Plaintiff,

-against-

ERSTE BANK DER OESTERREICHISCHEN
SPARKASSEN AG (ERSTE BANK), an Austrian
corporation,

Defendant.
----- x

No. 07 Civ. 6094 (CM) (DFE)

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

Electronically Filed

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law in support of this motion, the declaration of Josip Čiček, dated August 31, 2007, and the exhibits attached thereto, any other submissions that shall be made in support of this motion, and all prior proceedings had herein, the undersigned counsel for Defendant Erste Bank der oesterreichischen Sparkassen AG will move this Court, before the Honorable Colleen McMahon, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, to dismiss the Complaint, in its entirety and with prejudice, pursuant to Federal Rules of Civil Procedure 12(b)(1), (6), and (7).

Dated: New York, New York
August 31, 2007

Respectfully submitted,

SIDLEY AUSTIN LLP

By: 

James D. Arden (JA 8779)
787 Seventh Avenue
New York, New York 10019
(212) 839-5300

Attorney for Defendant Erste Bank AG